

TOWN OF NEW WINDSOR

PLANNING BOARD

January 26, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
DANIEL GALLAGHER
NEIL SCHLESINGER
HENRY SCHEIBLE

ALTERNATE: HARRY FERGUSON

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

ABSENT: HOWARD BROWN

REGULAR MEETING:

MR. ARGENIO: call the January 26, 2011 regular meeting
of the Town of New Windsor Planning Board to order.
Please stand for the Pledge of Allegiance

(Whereupon, the Pledge of Allegiance was
recited.)

MR. ARGENIO: Harry, I think it's Harry's turn to come
up

MR. SCHEIBLE: I'll come up and I'll tell you why
later.

MR. ARGENIO: I was just handed a newspaper article,
for the benefit of the stenographer, take a look at it,
guys, I've said this before, anybody who thinks what
they do here doesn't make a difference is crazy because

what we do here does make a big difference. This is a an article in the Mid Hudson Times, we don't always get a lot of positive press but we did on this one. I'm just going to read three or four lines and move on. Hats off to the New Windsor Planning Board which at its last meeting acted to protect one of the most impressive viewsheds in this town. AT&T has requested that the board approve the construction of a 100 foot cell tower on Route 9W at the Windsor Motel located across the street from a property known not only for its historical significance but for its irreplaceable commanding view of the Hudson River. I'm not going to read the article, certainly nice to hear something, to read something nice written in the newspaper about us and to affirm what we do here from time to time.

APPROVAL OF MINUTES DATED 12/8/10

MR. ARGENIO: And in any event, that said, if anybody sees fit, I'll accept a motion that we approve the minutes dated December 8, 2010 which were sent out via e-mail on January 20

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

REGULAR ITEMS:

EUGENE & JANN HECHT RETAIL BUILDING (10-25)

MR. ARGENIO: First on tonight's agenda under regular items is Eugene & Jann Hecht retail building. This application proposes the conversion of a 2,400 square foot storage building into a retail building. The plan was previously reviewed at the 8 December, 2010 planning board meeting. Your name for the record?

MR. HECHT: Eugene Hecht, H-E-C-H-T.

MR. ARGENIO: Okay, everybody have a look, this was a pretty simple application as I remember and I'm going to read through Mark's comments. We were waiting for our response from Orange County Planning and they have responded and they return a response and said local determination. I'm going to read one of Mark's notes, there were some minor corrections noted in December which will be required for the final plans for final approval for the final stamp of approval. Mark, do you remember what those corrections were?

MR. EDSALL: One of them was just the identification of striping for the handicapped space, the dumpster was resolved, they discussed that with you and had pointed out the lighting for the site they provided that so really only correction was the handicapped space.

MR. ARGENIO: This is not going to be operating at night, is it?

MR. HECHT: No, they are not there.

MR. EDSALL: Building mounted lights really a safety issue for late afternoon.

MR. HECHT: Central Hudson we pay them for the lighting, there's poles all over.

MR. EDSALL: Just the handicapped identification to comply with the code.

MR. ARGENIO: Planning board should require that a bond estimate be submitted in accordance with Chapter 137 of the Town Code. Applicants are advised that a list of acceptable unit prices is available from the engineer for the planning board. There are a couple of formalities we need to go through relative to this. If

anybody has any questions on this, Neil or anybody else certainly now would be the time to ask the questions. Used lawn mower parts if I remember correctly, correct?

MR. HECHT: Yes.

MR. ARGENIO: We had a whole discussion about that.

MR. GALLAGHER: Is the parking still Item 4, is it paved yet, planned on being paved?

MR. HECHT: Yes, it will be paved, can't do it now, plants are shut.

MR. EDSALL: Danny, that's the subject of most of the bond estimate.

MR. ARGENIO: It's the biggest item.

MR. EDSALL: Yes, it's the biggest item of work.

MR. GALLAGHER: Bathrooms need to be installed in the building itself also.

MR. HECHT: Already complete.

MR. VAN LEEUWEN: I think if he makes the improvements we should approve it.

MR. ARGENIO: Do you guys have anything else?

MR. SCHLESINGER: Retail sales of?

MR. HECHT: Small engine parts, mower parts.

MR. ARGENIO: We're lead agency on this I believe, is that right?

MR. EDSALL: By default.

MR. CORDISCO: You haven't circulated for lead agency so it is a lead agency for an uncoordinated review.

MR. ARGENIO: I'll accept a motion we declare negative dec for this application.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare a negative dec under the SEQRA process for the Hecht site plan amendment. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Procedurally, Dominic, am I missing anything other than the obvious?

MR. CORDISCO: Next would be conditional site plan approval.

MR. ARGENIO: Anybody sees fit, I'll accept a motion we offer final approval subject to the bond estimate and the couple of minor corrections being made to the satisfaction made to the plan to the satisfaction of the engineer. Anybody sees fit, I'll accept that motion.

MR. GALLAGHER: So moved.

MR. ARGENIO: I don't have a second, as such, somebody must have a problem with this plan. Somebody tell me what their problem is with the plan or the application.

MR. SCHEIBLE: I'm just coming in on hindsight here, I'm just whatever property is left down there are we going to go any further with this again?

MR. HECHT: No, we're done.

MR. SCHEIBLE: You're saying we're done?

MR. HECHT: There's no place else to go.

MR. SCHEIBLE: There's a lot squeezed into this property.

MR. HECHT: The rear's all property, the acre in the back we're not using.

MR. VAN LEEUWEN: I have no problem with the plan whatsoever. I'd just like to see everything complete and the bond posted the way it's supposed to be.

MR. ARGENIO: Mark has the striping been corrected?

MR. EDSALL: No, just some very minor corrections to the final plan, we haven't gotten a resubmittal plan but it's very minor and as far as the bond goes, the procedure is that you establish the bond amount and the bond is only posted if they're asking for the C.O. then they would post bond.

MR. ARGENIO: Has nothing to do with offering final approval.

MR. EDSALL: Correct.

MR. CORDISCO: It's a standard condition.

MR. SCHEIBLE: I will second it.

MR. ARGENIO: Motion has been made and seconded that we offer final approval to the Hecht site plan amendment. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for coming in.

MR. HECHT: Thank you.

HUDSON VALLEY AVE., FIRST COLUMBIA (10-27)

MR. ARGENIO: Next on tonight's agenda is First Columbia Hudson Valley Avenue site plan. This application proposes development of 12 1/2 acre parcel with three office buildings totaling 60,000 square feet and associated improvements. The plan was previously reviewed at the 8 December, 2010 planning board meeting. I see Mr. Shaw coming forward for this.

MR. SHAW: Yes, I'm taking Mr. Bettie's place tonight. as the chairman mentioned, this was presented before the board probably a little over a month ago, received concept approval. What we have done since that point in time is we have developed the storm water pollution prevention plan and submitted it to the Planning Board's consultants for their review and I believe they found it acceptable. We have not prepared site plans, we're not here for site plan approval. What we're here tonight for is to discuss whether or not the board wants to waive the public hearing and to have the board make a determination of consistency with the former findings statement. And that's all. Once we get the SEQRA out of the way, it allowed the town to prepare the acceptance form for the SWPPP to get us to storm water coverage prior to the first of March and that's the gist of it tonight, Mr. Chairman.

MR. ARGENIO: Mark, what of the SWPPP?

MR. EDSALL: The SWPPP was submitted and reviewed and Mr. Szarowski of our office deemed it acceptable and compliant with the regulations on January 13.

MR. ARGENIO: I think I know the answer though but I'm going to ask the question anyway. What of the compliance with the overall storm water discharge and the like for this entire project, the original EIS?

MR. EDSALL: The EIS looked at conceptual locations for treatment but left the design to the individual site plans. But keep in mind that the regulations have changed twice, possibly three times since the findings were adopted. But that doesn't give them a pass on complying with the new regulations so they are with the current SWPPP meeting the current regulations which is more than what was required with the EIS as it was reviewed years ago, I hope that was fairly accurate or complete.

MR. ARGENIO: It was. I want to read this comment. The applicant has requested the town process the SWPPP MS4 acceptance form such that they can file their project NOI, Notice of Intent to do, I would request the board makes a determination that the project is consistent with the findings for the environmental impact statement process for the overall New York International Plaza. It seems to me that it is, I think it is, I don't know what everybody else thinks, is there anything else that we need to look at when we consider that other than the obvious, Mark, that the buildings, the type of use, et cetera?

MR. EDSALL: The EIS looked at the various impacts, traffic, sewer, water, storm water, all those impacts that environmentally you look at every project but looked at it globally for the entire New York International Plaza and this particular plan is consistent both with the uses that were approved as part of the, or were accepted with the findings for the EIS and they are not even close to any of the thresholds, this is really in the infancy of the development of the New York International Plaza so I don't see any issue whatsoever with that determination but it's a something we have to do.

MR. ARGENIO: So specifically, Greg, specifically what are you looking for us to do tonight if it's not final site plan approval?

MR. SHAW: Minor issue with respect to the public hearing, it's really secondary. The primary is to get SEQRA out of the way so New Windsor can prepare the acceptance form to allow me to get the notice of intent.

MR. ARGENIO: So when you guys come back to develop this, we'll have the opportunity to do further site plan review to ensure that the outdoor seating area that we talked about last time is included in the plan.

MR. SHAW: Correct, you're going to have a full site plan submission, ten drawings, everything from landscaping to lighting to construction details to water to sewer, the standard requirements. That has yet to be submitted to this board.

MR. ARGENIO: Does anybody have any questions on this board members, what we're here for tonight and what we're doing?

MR. VAN LEEUWEN: I will make a motion to waive the public hearing.

MR. ARGENIO: Just to refresh everybody's memory that's consistent with what we have done in the past because property owner is the Town of New Windsor and seems to make sense. Motion has been made to that effect that we waive the public hearing.

MR. VAN LEEUWEN: I'd like to see something move in New Windsor anyplace.

MR. EDSALL: I want to make the record clear that there was an executive review as part of the EIS and public hearings and input held at that point so it is not as if this is a, it's not been considered.

MR. GALLAGHER: Any residential near this? I see The Grove.

MR. ARGENIO: The Grove is way up on the other side of the hill, literally up the hill probably 80 feet then back down the hill 40 feet, to the left of this is LSI, diagonally across the street is Dominic's office and there's a big open lot where it says The Grove at New Windsor.

MR. GALLAGHER: I'll second it.

MR. CORDISCO: And The Grove was approved after this plan was originally approved.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. CORDISCO: Mr. Chairman, in connection with the SEQRA action on this what the board has done in the past is since you have already had an environmental impact statement which you concluded with a findings statement now that each individual application comes before you you have been in a position where you

determine that the current application is consistent with the thresholds established in the findings statement. So that would be the actual step here, it's not adopting a negative dec because this isn't a distinct action, you're just verifying that they are within the thresholds or the cap as it were of the findings statement and that's what the board has done in the past.

MR. ARGENIO: Dominic, I'm okay with that but I seem to remember on other applications us actually voting on a negative dec for the individual buildings. Am I mistaken?

MR. CORDISCO: I believe it was an actual voting on a determination of consistency, that's what we called it, we prepared a written documentation to prepare that as well so it was part of the file but it was what we called it was a determination of consistency. The only thing I would add as part of the other applications what we received from them has been a spreadsheet showing where they are getting their thresholds because they haven't built out a fraction of the buildings that they are entitled to build out there. But we haven't as part of this application received that so any suggestions would be that the determination of consistency should be conditioned upon them actually submitting the spreadsheets so we can actually prepare it.

MR. ARGENIO: Understand that Greg?

MR. SHAW: I do, I don't know if we're talking about the same piece but I spoke to Mr. Bettie about that today, he said it was submitted as part of the site plan application so if you want to make it a condition that's absolutely fine if it's already in the file that's fine.

MR. CORDISCO: I may be overlooking it, I didn't see it but if it's been already submitted it will be easy enough to track it down.

MR. ARGENIO: Let me just not correct but just comment on something that accounting that should be based on not what's built but what's approved?

MR. EDSALL: Yes.

MR. CORDISCO: Correct, it's evaluating where they are.

MR. ARGENIO: With the approvals?

MR. CORDISCO: With the approvals.

MR. ARGENIO: You said the build-out before I think it's the approvals.

MR. CORDISCO: Correct.

MR. ARGENIO: I don't know exactly how to word that but I will try to word it. If anybody sees fit, I'll accept a motion that we declare that this is consistent with the EIS and that we're still currently under the necessary thresholds that are contained in that document.

MR. CORDISCO: In the findings statement. And further if you would authorize me to prepare the actual documents.

MR. ARGENIO: And authorize Dominic to prepare the document, this is subject to finalizing that accounting as well

MR. SHAW: Correct.

MR. VAN LEEUWEN: I so move.

MR. SCHEIBLE: Second it.

MR. ARGENIO: I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: So, Greg, I don't think there's anything else to do here tonight but we'll see you again at some point in time when I would think your client gets a tenant.

MR. SHAW: Yes and at that point, he will need site plan approval and there will be a full submission and there will be a determination by this board on review of the document.

January 26, 2011

12

MR. ARGENIO: Okay, thank you.

MR. SHAW: Thank you.

MASONS RIDGE II (11-01)
MASONS RIDGE II LOT LINE (11-02)

MR. ARGENIO: Next on tonight's agenda is Masons Ridge. Mark, why do we have the site application before the lot line application?

MR. EDSALL: I can't answer that but I'm sure that it is, this is the first presentation so--

MR. ARGENIO: Should do it in the reverse, shouldn't we?

MR. EDSALL: Normally, you do the lot line first to set up the lot that the site plan is going to be on.

MR. ARGENIO: So then that's what we're going to do, we're going to talk about the lot line change. This is Mason Ridge II lot line change. The application proposes a conveyance of a portion of the lands owned by the Masonic Fellowship of Newburgh which is part of the original Mason Ridge project to the lot now or formerly Baker lot number 20.221 which is development parcel for the Masons II site plan. So if you can share with us a little bit.

MS. KALISKY: Okay, good evening, I'm Dawn Kalisky, project manager with Lanc & Tully Engineering here with A.J. Coppola from Coppola Architects but he's not involved in the lot line change and Mr. Keith Libolt from Affordable Housing Concepts. The lot line change that we have shown here this evening is for the transfer of, to refresh the board's memory, this is the Masons Ridge Development that we recently had approval on last year and are going to construct now the work force housing. The existing property had this small 30 foot wide at its widest point access onto Route 32, so access on this site has been approved through an easement through the Masonic Lodge piece that was part of the previous approval. What we're proposing to do is take the lot line that was here for Baker landlocked parcel tax lot 20.221, remove that and extend this upper boundary to the edge of the Masonic Fellowship or Masons Ridge parcel thereby creating frontage onto Route 32 for the Baker piece.

MR. ARGENIO: Point to the lot lines you extinguishing?

MS. KALISKY: This one right here.

MR. ARGENIO: Where is the newer lot line across the street?

MS. KALISKY: Extending it across this width right here therefore this would create the new boundary for the Masons Ridge parcel. And this would be the boundary for the lands of Baker.

MR. ARGENIO: So now the upper parcel needs an easement through the lower parcel?

MS. KALISKY: Well, the easement is through the Masonic Lodge piece which you'll see more clearly if I can point to my other map to refresh the board's memory, the access for the Masons Ridge development was coming up through a shared commercial access through the parcel where the Masonic Lodge was being constructed. There's an easement allowing access, utilities, drainage through this parcel here, this is currently the existing property line for the Masonic Ridge basically cut off here from this Baker piece. So what we're proposing to do the access is still through and will be through easement of the tax parcel 104.2 to access the Masonic Fellowship. The lot line in itself falls in with, is concurrent with this additional proposal for site plan on Masons Ridge II.

MR. ARGENIO: So there's no changes to the original building plans that have previously been approved?

MS. KALISKY: None at all, none at all, Masons Ridge is, this one was the original line of tax lot 20.221 lands of Baker.

MR. VAN LEEUWEN: Where is that house and the barn?

MS. KALISKY: That's on the now or formally U.S. National Bank that's the formerly Quillis (phonetic).

MR. LIBOLT: The house is here, the barn is actually on our property here.

MR. VAN LEEUWEN: Is the barn going to be taken down?

MS. KALISKY: Yes, it's part of the Masons Ridge.

MR. LIBOLT: It's part of the road actually.

MR. VAN LEEUWEN: I see, okay. How about the old house?

MS. KALISKY: The old house right over in here and once again that was being taken down as part of the construction.

MR. VAN LEEUWEN: That's going to come down?

MS. KALISKY: Yes.

MR. ARGENIO: Go ahead.

MS. KALISKY: And once again, the conveyance results in I think it's basically .4 acres of transfer.

MR. ARGENIO: So, okay, so we have these lot lines being shifted around now I'm sure there's a reason you're shifting these lot lines around. Why don't you get to that?

MS. KALISKY: Okay, well, the reason we're shifting the lot lines around is for our next proposal for the Masons Ridge II development basically a second phase.

MR. ARGENIO: Interrupt you for just a second. I would like to read Mark's header for the benefit of everybody for that application, I think we should review these together because the first one I'm sure there's questions about the first one that if you understand the second one some of the questions for the first one will automatically be answered. Masons Ridge II this application proposes an extension of the recently approved Masons Ridge work force housing site plan project to include an additional 20 units on tax lot 20.221. The plan was reviewed on a concept basis only. So go ahead.

MR. VAN LEEUWEN: That's the Baker piece.

MS. KALISKY: That is the Baker piece currently under contract.

MR. VAN LEEUWEN: We didn't approve that.

MS. KALISKY: No, that's a new application.

MR. ARGENIO: That's a new application.

MS. KALISKY: We're coming in with an extension or a second phase of the Masons Ridge development so they are under contract to purchase this 1.6 acre piece from

Baker and with that we're going to propose an additional phase of the Masons Ridge work force housing development, an additional building.

MR. VAN LEEUWEN: Now the U.S. National Bank Association?

MS. KALISKY: That's the lands formally of Quillis that's the older home there ranch style I believe with a garage under if I'm not mistaken, that's been, it's under foreclosure and Mr. Libolt will speak to that, they are actually trying to work with the bank to acquire that piece as well, it's currently bank owned.

MR. VAN LEEUWEN: So the Quinlans are bankrupt?

MS. KALISKY: Quillis, yes, I don't know bankruptcy but the bank has foreclosed.

MR. VAN LEEUWEN: You're going to attach that to the main piece?

MS. KALISKY: That's what we're hoping to do, yes, sir but right now, we're currently only under contract with Baker, they are still in talks with the bank.

MR. ARGENIO: Go ahead.

MS. KALISKY: Shall I continue on with the lot line or should we move right into the site plan?

MR. ARGENIO: You shared the lot line change with us, if there's more to it continue on, if there's not anymore, go on to the next one.

MS. KALISKY: I have nothing really more to add on the lot line unless anybody has a question on that. But from that we'll move right on into the Masons Ridge II site plan. Just to give you an idea of where everything is the previous approved Masons Ridge development hopefully it's kind of shaded out a little bit, this is all what was approved and is going to construction, this is the piece for the Masonic Lodge is going to be constructed once again approved by the planning board. This is the Baker piece that we're proposing Masons Ridge II on, it's a, excuse me, it's a 20 unit building, single building, it's going to be a two story three story split because of the topo there. Mr. Coppola will get into the actual architectural on that shortly. But what we're proposing to do is share

all the services with the Masons Ridge development for Masons Ridge II. We will use the same shared commercial access, take a driveway access as our parking area accesses off that drive we'll be sharing the water facilities, the sewer facilities, the recreation facilities and the drainage facilities as well. What we have done is actually calculated the density for the entire piece, Masons Ridge and Masons Ridge II where we would have the original piece was 12.6 acres, the additional piece is now 1.6 calculating to a net area taking out the easements, slopes, we have 11.5, excuse me, net acres density for the work force housing overlay is 10 dwelling units per acre, thereby permitting 115.2 or 115 units. We have 84 units on the Masons Ridge piece, we're proposing another 20 units on the Masons Ridge II parcel so we have 104 total units out of the 115 permitted. It's a combination of one, two and three bedroom units, once again, we have 4 one bedroom units, 6 two bedroom units and 10 three bedroom units. Unit sizes actually are larger than the minimum required, we have included a table on our submissions here. Parking spaces once again exceed code, 40 are required, 42 are proposed with handicapped as well. The plan set that we provided we hope is preliminary in nature enough, we try to do it as complete and thorough as possible, revised the storm water pollution prevention plan. What we'd like to do is actually if we can get this through the storm water facilities for the Masons Ridge.

MR. ARGENIO: What does that mean get this through?

MS. KALISKY: Get to a point where Mark is comfortable, we currently have our, we have submitted our notice of intent and have our acknowledgment, we're covered under the general permit for the storm water SPDES from the DEC, we have provided that to the town for their records. What we would like to do is actually close that permit, what we have done is utilize the storm water pollution prevention plan for the Masons Ridge Masonic Lodge, incorporated the Masons Ridge II parcel as well, we're collecting the storm water and bringing it over, discharging it to the bioretention area that's on the Masonic Lodge parcel but under easement for the Masons Ridge piece. We had enough room there, we don't have to propose any new storm water quality facilities to accommodate the development of this parcel.

MR. ARGENIO: Mark, here's what's perplexing me a little bit. We're putting up these new buildings with

these units and the parking and everything else associated with and unless I'm mistaken what I'm hearing is the existing infrastructure that we proposed for the original project, including everything domestic, water, sewer, drainage, water quality is okay to support this additional development. I think that's what I'm hearing unless I'm not hearing right.

MR. EDSALL: I think that's their intent. I don't suspect that water and sewer are a problem just given the sizing of those facilities clearly should easily be able to handle the additional 20 units. Storm water the jury's still out on cause we have to have the resubmittal to show us that those existing facilities have adequate capacity to pick up this additional area.

MR. ARGENIO: So, ma'am, what you're saying is that when you designed the original storm water system you designed it to be bigger, more efficient than what was required?

MS. KALISKY: That is correct and that's actually our standard practice we usually --

MR. ARGENIO: Whose?

MS. KALISKY: Lanc and Tully's, just always to be conservative, there's nothing wrong with that, better safe than sorry. Actually, this bioretention area we had over a foot and a half of free board available, we like to have at least one foot for 100 year storm with the addition of this part these two parking areas and this building.

MR. ARGENIO: The foot and a half went to--

MS. KALISKY: We raised the bioretention facility to I believe it was less than 1/10, now we did get the SWPPP complete unfortunately not in time for the submission deadline but we have provided a copy to the planning board and their consultants for review and we anticipate to receive comments from them when you have had time to review that but yes, our documentation, our report has been revised showing as such.

MR. EDSALL: Nicole, that's been received?

MS. JULIAN: I have it.

MR. VAN LEEUWEN: If we extend that lot line, okay,

let's say the bank's piece and if we extend that lot line across they have no access to that property.

MS. KALISKY: Actually, what we were going to propose there's currently an easement access through because that piece is also landlocked as well, there's an easement that runs through, access easement in favor of this lot and the bank owned lots.

MR. ARGENIO: So you would extend the easement?

MS. KALISKY: We'd like to reroute the easement and have them travel through the road as opposed to through the gravel drive that's there.

MR. VAN LEEUWEN: Well, I think that should be taken care of.

MR. ARGENIO: If you look at the--

MS. KALISKY: As part of the lot line adjustment that's what we would actually show.

MR. ARGENIO: Do you see, Henry, no, pick that up, at the bottom of the page that drive is right here, yeah, this is an existing gravel drive but the proposed paved drive is here and it's going to come up and have like a spine road that's paved.

MR. VAN LEEUWEN: Doesn't go through there now because look at that, there's a, there's property in between that belongs to them and if we do this we're going to cut these people off. Am I right or wrong?

MR. ARGENIO: Go ahead, Mark.

MR. EDSALL: Thank you. Referring back to my comments for the lot line change, if you could look under the third bullet on comment number two it deals with the fact that the right-of-way and easement, the 20 foot right-of-way and easement benefit of lot 19 clearly has to be extinguished because they are putting a building in, curbing and everything's else over that easement. I just point out in there that there is a proper way to dissolve that easement, we have to deal with counsel on that but we also have to be careful to note that acceptable uses of shared commercial accessways are not intended for single family residences, same as you can't use commercial activities on a private road you can't have single family residences on a shared

commercial accessway. So there's a use impact on that lot, you know, if they come back to this board as part of Masons Ridge if it's called Masons Ridge III or they come back in and want to use it for some other commercial purpose that would be an acceptable use to access off of the shared commercial accessway. But the current single family use creates a problem if they try to re-establish that off that shared commercial accessway.

MR. ARGENIO: I think that's a potential problem.

MR. EDSALL: Exactly why I brought it up.

MR. VAN LEEUWEN: Well, I didn't read your bullets but I will tell you something I see that and I couldn't go for that because you're blocking that bank piece off and you can't do that.

MR. EDSALL: It's just a detail that's got to be resolved, I mean, clearly the access is better from the new improved road.

MR. ARGENIO: The access would be better, they have a gravel driveway now and post construction they'll have the paved driveway but what's happening is the use of the parcel is being restricted.

MR. EDSALL: It impacts the available use for that parcel.

MR. ARGENIO: Well, I think that's a problem.

MR. EDSALL: It's something that has to be resolved. Now clearly--

MR. ARGENIO: I'm not going to resolve it.

MR. EDSALL: -- it's a legal issue to dissolve somebody's easement. At the same time they can be advised that that property is now able to be used for commercial purposes but not residential which may in fact increase the value, I don't know, but it's an issue that's got to be part of that.

MR. ARGENIO: I have to tell you have if I owned the piece I would want to know.

MR. EDSALL: But you just can't dissolve somebody's easement without talking to them but that's got to be

part of the discussion.

MR. VAN LEEUWEN: It's got to be handled before we do anything, can't be subject to.

MR. EDSALL: Clearly before final approval but--

MR. VAN LEEUWEN: Can't be a subject to, that's for sure.

MR. ARGENIO: Ma'am, what are your thoughts on this?

MS. KALISKY: Actually, I have a lot of thoughts. I'm going to let Keith Libolt speak to that. We're aware of the situation, we're aware of the construction and as I said, Keith has been--

MR. LIBOLT: We have met with the bank's representative on a number of occasions. Taking this development out of the picture for the moment the owner of this parcel would greatly appreciate if they could relieve themselves of this easement and have access to this road and we as the owners regardless of whether we acquire the parcel or not think it's really in the best interest here and town regulations allow us to provide him with a curb cut access and even a water and sewer tap at the curb for his residence as we go by the house up the hill. Right now this house operates on a spur line that's not on town record.

MR. ARGENIO: Mark, didn't you say you can't have residential access off a commercial drive?

MR. EDSALL: The two items creating the access is absolutely an improvement because the grades are better, the quality of the road is better but the single family is an issue, the residential is an issue, that's number one. But number two, there's also the issue that providing them water and sewer connection if it's a separate entity is another problem because those are private improvements and there's, that's in fact the large lateral going up that road and you run afoul of DEC and health department regulations if you start using private lines to serve third party private persons.

MR. ARGENIO: How about if a third party's not paying?

MR. EDSALL: Doesn't matter. The example being if they owned that lot and used it, no harm, no foul because

it's one owner, it's the introduction of another owner that's a problem.

MR. LIBOLT: I know we have a letter before the Town Board presently or it's sitting in the office for the water system to ask them if they would allow this system to be owned publicly rather than privately.

MR. ARGENIO: It's not gonna happen.

MR. CORDISCO: Actually, a response from Mr. McGoey, I believe.

MR. ARGENIO: Are you privy to that?

MR. LIBOLT: I'm not.

MR. ARGENIO: I don't want to, I don't want to put any missiles out there tonight, the response is out there, read the response.

MS. KALISKY: But anyway for the access that's what the planning board is concerned with so as I said--

MR. ARGENIO: You know what, Henry brings up a good point, I'm sure we're not going to solve it tonight but--

MS. KALISKY: We're in the works.

MR. ARGENIO: There's a couple things here, one I agree with Mark, I think it is and this is, I'm pointing this out for the benefit of the other members, I think it is better access, it's a paved driveway that's not as steep that's better than what they had before but as far as these other legal nuances you've got to work that stuff out man because--

MS. KALISKY: Unfortunately--

MR. ARGENIO: It's not ours to work out, it's yours.

MS. KALISKY: And we have been, we're in the process of working it and have better information for the planning board for your consideration, as soon as we know, you will know what we know.

MR. ARGENIO: Okay, we're not going to solve this thing tonight. Is there anything else that either the members want to comment on relative to the lot line

change or ma'am that you or your group want to offer us relative to the lot line change? Cause I'd like to move passed that on to something else, you guys, anybody have any questions on the lot lines? Okay, move to the site application and let's talk about that a bit. Go ahead, ma'am.

MR. VAN LEEUWEN: I don't follow what you're getting at now.

MR. ARGENIO: What I was getting at Henry there's two applications, one is for the lot line change for them to do the site plan. This evening we have talked about some things, we have pointed out some issues, they have some homework to do, they have some things they have to work out before we can consider that. Let's get passed that, that's over on this side. Now I have asked the lady to show us the site plan, let's assume for a second they can get through these lot line issues now they're going to show site plan and tell us what you want to do relative to the site plan so we can have a look at that and consider that tonight but as far as the lot line goes, no action, nothing to talk about tonight then.

MR. VAN LEEUWEN: Then we're actually talking about something that isn't there except the land is.

MS. KALISKY: Well, sir, if I may, we don't have to have that lot line to actually develop this Baker piece as Masons Ridge II.

MR. ARGENIO: It just again changes the size of the building, changes the parking lot, very simple thing.

MS. KALISKY: Exactly, it just seemed more practical for access purposes to eliminate the gravel drive, this piece without the lot line change once again this would be the property boundary here instead of here so we still have our access off of the shared commercial access.

MR. EDSALL: But your setbacks don't work cause you're measuring the setback.

MR. ARGENIO: Smaller building.

MR. EDSALL: It's counterproductive to what you're looking to do.

MS. KALISKY: It is but I feel we can present our concept knowing that if in fact we cannot work out the issue with the lot line we'd like to still talk about the suitability of the site and perhaps get a referral to the Town Board for suitability of this site as required under the work force housing overlay. It's to give the planning board preliminary plans of what we'd like to do. As I said, if we cannot resolve the issue with the lot line we'll revamp those plans without the lot line change, we'll make a smaller building, might only be 18 units in lieu of 20 but whatever we can get to work. The code does require 50 foot setbacks all the way around so as I said, we would have a smaller building to fit in the 50 foot setback from the property line which adjoins that, adjoins the shared commercial access.

MR. ARGENIO: So go ahead, show us what you have, Anthony, or somebody.

MR. COPPOLA: Jump in real fast, I have the easy part. As Dawn said, it's currently designed as a 20 unit building, it's a 20 unit footprint and it would on the east elevation would be three stories, the downhill side as you approach the building and on the uphill side the west elevation would be two stories. So as Dawn said, it's a mixture of ones, twos and three bedroom which you'll be able to approach from both sides. Most of the units would come in from the west but there would also be parking for the lower units on the downhill side. So it's an apartment building as opposed to townhouses and basically it's an eight unit footprint.

MR. ARGENIO: Hold on just a second please. Go ahead.

MR. COPPOLA: It's an eight unit footprint, you'll be able to access this from both sides so there would be 12 handicapped accessible units at grade, eight from the west side, four from the east side and then there would be eight units above that would not be handicapped accessible but that's well within the code. And again, it's an apartment building so you're basically in the building code it's a fully sprinklered building, it's multiple family, we're going to provide laundry, I think we're going to provide laundry hookups in the building, I mean, I'm sorry, in the apartments, there's the required 20 square foot storage in each apartment that's what the zoning requires for this type of housing and the facade is going to be basically a

mixture of vinyl siding and cultured stone and that's going to compliment what we're doing with the rest of the site.

MR. ARGENIO: Anthony, you don't have any provisions for basement storage?

MR. COPPOLA: No, I think there's going to be a basement on the upper side cause we're going to need that for a mechanical room. There will be a sprinkler room, there will probably be an electric meter room and sometimes we have done full basements, well, this lower level is actually the basement.

MR. ARGENIO: I got that part. And I also got the part that that lower level just pointed to is finished, that's why I made the comment I just made. Is there an unfinished basement area where you're providing for storage for these units?

MR. COPPOLA: The storage is provided inside the apartment.

MR. ARGENIO: So the answer is no?

MR. COPPOLA: There's going to be an unfinished basement, yes.

MR. ARGENIO: Let me ask a direct question again, Anthony, I love you but the unfinished basement section will there be a provision in the unfinished section for the people to store their stuff quote unquote stuff in that unfinished section, yes or no?

MR. COPPOLA: I think that could be worked in, yes.

MR. ARGENIO: I didn't ask you that, I'm just asking you if it's going to be there.

MR. COPPOLA: We're not showing the basement but going to have half the building as a basement so--

MR. ARGENIO: I think it's a good idea if you can do that.

MR. EDSALL: I think it's in the code.

MR. ARGENIO: I think it's a good idea if you can do it.

MR. VAN LEEUWEN: Anthony, that's what we want, let's put it that way.

MR. ARGENIO: I don't want to put my thumb on you but I think it's a good idea.

MR. VAN LEEUWEN: I'll put my thumb on you.

MR. LIBOLT: We normally use the center of the building on the end we have an end access and we build cages, they keep their bikes, they keep whatever.

MR. ARGENIO: Yeah, I've got it, that's why I asked the question.

MR. VAN LEEUWEN: There's no garage space in any of these buildings.

MR. ARGENIO: That's exactly my point, Henry, I'd like to just if anybody else has a comment, please just step in, I want to read a couple of Mark's comments, the drainage there's only one catch basin provided in each parking area, the dumpster enclosure it should note that the exterior of the dumpster enclosure shall match the associated project building finish and color. I'm beating Neil to the punch because I'm sure he's going to comment about that. I do have a question though relative to the dumpster enclosure, I don't know how a garbage truck goes in there, gets the garbage and turns around and leaves. Somebody's going to have to explain that to me because somebody smarter than me must of drawn it cause I don't understand it.

MS. KALISKY: I was hoping for a front loading.

MR. ARGENIO: Ma'am, he has to back out 450 lineal feet, I don't have a scale but he's backing up 450 lineal feet or some such ridiculous number as that. I think you need to revisit it, I don't mean to trump you, I know you're always the garbage guy, Neil's always looking at that kind of thing but probably because he owns a restaurant but I happen to notice it. Second thing is this is all curbed, yes?

MS. KALISKY: Yes.

MR. ARGENIO: Concrete curb, not asphalt curb?

MS. KALISKY: Yes.

MR. ARGENIO: Very good.

MR. VAN LEEUWEN: Concrete or asphalt?

MS. KALISKY: Concrete.

MR. ARGENIO: Asphalt, no asphalt, no.

MS. KALISKY: And our details are in fact included in there.

MR. ARGENIO: I'm not reading every note on the plans and again guys please jump in.

MR. SCHEIBLE: I'm looking at he's the garbage man I'll be the sidewalk man.

MR. ARGENIO: Go ahead

MR. SCHEIBLE: You have on the bottom you have concrete sidewalk and sort of like am I right or wrong dead ends, it goes over into the other side then it drifts over into the other project across the street?

MS. KALISKY: Yes, we have a crosswalk here.

MR. SCHEIBLE: Let me just finish then. You have another one up on top there says concrete sidewalk above the upper unit there?

MS. KALISKY: With a crosswalk you want me to connect these two?

MR. SCHEIBLE: I'd love to see it, what if little Mary and little Johnny want to see each other, they have to run along the driveway there.

MR. ARGENIO: And cross the street.

MS. KALISKY: We can certainly connect those sidewalks.

MR. SCHEIBLE: Connect the two buildings with the sidewalk, that's all I'm asking for.

MS. KALISKY: Yes.

MR. SCHEIBLE: Not to interrupt you, is that, what's the elevation from the upper one to the lower one so far as--

MR. COPPOLA: The exchange is 10 feet.

MS. KALISKY: Nine.

MR. SCHEIBLE: It's 9 feet from the upper building to the lower building?

MS. KALISKY: Yes.

MR. COPPOLA: Yeah, floor to floor.

MR. SCHEIBLE: Okay.

MR. ARGENIO: Somebody needs to figure out this dumpster thing and Mark relative to county, what do we do about this, I don't know that we should be referring this thing to county because we don't know where it's going.

MR. VAN LEEUWEN: I think they've got a ways to go.

MR. CORDISCO: We have two procedural steps, if I may, and we have to refer to the County Planning Department but we need to circulate for lead agency and when we circulate for lead agency, you should do it for the combined action that's before you, not only do you have site plan approval but you also have potential lot line change.

MR. ARGENIO: Yes, I don't see the lead agency thing as being a big issue but I don't know they should go to county as of yet there's a lot of open issues here.

MR. EDSALL: A lot of the open issues are either legal or detail and hopefully the county knowing the scope of the review looks at regional planning issues, although they many times give us detailed comments, the issue that we have is the procedure in the Town Code kind of directs the planning board to start the lead agency activity, send it to the county so that then they can bring to the Town Board so we kind of have procedurally in the code a requirement to get this out to the county and I believe the plans are complete enough that they will understand the proposal and should be able to comment on regional planning issues.

MR. ARGENIO: I agree with that, Mark, the only comment I have to that is let's just say for a second that the entire acquisition of the upper lot falls apart let's say that happens now I'm sure Mr. Libolt you're

confident it's not, madam I'm sure you're confident it's not going to fall apart, let's say it does fall apart and they have to go back to the drawing table.

MR. EDSALL: We can re-send it.

MR. ARGENIO: That's my point, we're going to do that if that happens.

MR. CORDISCO: It would be a substantial change and substantial changes have to be re-referred to the county.

MR. EDSALL: Even if it went to the point of the reduced building such that they could get in without the adjustment you have referred the largest project and if they reduce units you may not have to re-send it.

MR. CORDISCO: Especially if the county comes back that the first time around.

MR. ARGENIO: Is local determination.

MR. CORDISCO: Yeah because the second time around the impacts are even less.

MR. ARGENIO: Go ahead, Henry.

MR. VAN LEEUWEN: Says here Snake Hill Road private, is that going to be the name of that road?

MS. KALISKY: Yes, sir.

MR. VAN LEEUWEN: It's not very refreshing.

MS. KALISKY: I did not pick that name, sir. In fact--

MR. ARGENIO: You want a particular name?

MS. KALISKY: It's already that was all through the 911 coordinator with the town and all the numbers have been assigned.

MR. VAN LEEUWEN: Who wants to call a road Snake Hill?

MS. KALISKY: I kind of like Tomahawk Ridge but they didn't go with that.

MR. ARGENIO: I'm okay with that.

MS. KALISKY: Too late now 911 has it.

MR. ARGENIO: They do a county wide search. Are you guys okay with what Mark just said relative to the county thing?

MR. SCHEIBLE: Yes.

MR. SCHLESINGER: Yes.

MR. ARGENIO: Danny and Henry, are you okay with this going with the county? Okay, let's do that then let's get that referral done.

MR. EDSALL: I will do the lead agency as well.

MR. ARGENIO: Yeah, that would be fine. So what else do we need to do with this, guys?

MR. VAN LEEUWEN: That's it.

MR. CORDISCO: The only other aspect of this is that as a work force housing development it's similar to, it's similar to the senior housing regulations and procedures in connection with it, typically it should be referred to the Town Board so that the Town Board can then comment informally as to whether or not the site is appropriate for work force housing. It almost seems to be a fate accompli here because the Town Board has previously granted.

MR. ARGENIO: They already said it's okay for work force housing.

MR. CORDISCO: For the balance of the project but this particular lot was not part of the prior application so to be technically correct and I'm sure their attorney would want them to be technically correct they need to be referred to the Town Board, they can issue their opinion, that's not a final determination because the Town Board cannot issue its final determination until after we complete SEQRA and then they can issue their special permit for work force housing at this location. If that's what they want to do.

MR. ARGENIO: So what's your rationale on the level of fitness of the plans, is it the same as the county relative to the Town Board?

MR. CORDISCO: Absolutely because I would think once you, again, I can't imagine we refer this to the Town Board and they say no, it's not okay for work force housing because that's what the whole area is work force housing and that's what they have the zoning for in that area is work force housing so I can't imagine them saying no, don't do it.

MR. LIBOLT: Part of the reason we're back with phase two is when we came to the town, we proposed a work force housing project that had a varied income scaling across the whole spectrum because of the economy and the funding there was only funding available for up to I believe 60 percent median for the upper project, we promised to bring in units at 80 percent of median, we spoke to the Supervisor and we're bringing these units as 80 percent of median units.

MR. ARGENIO: I thought you were going to start construction right away?

MS. KALISKY: It snowed and it hasn't stopped, weather has not been conducive to construction but I believe we just have all our Is dotted and Ts crossed, we just received the acknowledgment in mid December.

MR. ARGENIO: What do we need to do for the town thing?

MR. CORDISCO: Well, for the town thing, you can refer it at this point to the Town Board for its opinion as to the suitability of the site for work force housing.

MR. ARGENIO: Everybody agree we should do that?

MR. SCHLESINGER: Yes.

MR. SCHEIBLE: Yes.

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: We all agree with that, let's do that. What else can we do for you folks tonight?

MR. CORDISCO: You could circulate for lead agency.

MR. ARGENIO: I think we said we're going to do that already.

MR. CORDISCO: Okay.

MR. EDSALL: That's all we can do.

MS. KALISKY: That's what we needed for this evening.

MR. ARGENIO: Work that lot line thing out, that's got Henry's shorts in a bunch here.

MS. KALISKY: Absolutely. Would it be possible to get a copy of Mr. Edsall's comments and while we're working on our lot line we'll also address?

MR. EDSALL: Here you go, Dawn, one for each.

VERIZON

MR. ARGENIO: Verizon canceled tonight because of the snow, seems as though that tower's never going to be reviewed and that would certainly be okay with me and I'm sure a lot of other people in this room, quite frankly.

DISCUSSION

BRITTANY TERRACE

MR. ARGENIO: Mark and Dominic, I'm going to give the Ray's Transportation thing to somebody else. What else do we need to go through before we do that?

MR. CORDISCO: We have as a discussion item Brittany Terrace.

MR. ARGENIO: Who's here for Brittany? Oh my goodness, everybody's raising their hands. I know you, I don't know you, you or you. Can you guys come up and tell me who's who and tell us who's there and what we're doing here. This is for Brittany Terrace. Greg, you want to introduce your people here tonight?

MR. SHAW: Absolutely. With me tonight are two of the principals, you have April Kean, Don Olin and Mike Donnelly, who's the attorney for the project.

MR. ARGENIO: Counselor, good to see you. Is your dad okay?

MS. KEAN: My dad is fine, so he's taking a break and my mom is taking a break so they have passed the baton.

MR. VAN LEEUWEN: Down in Florida?

MS. KEAN: My mom's at home and my dad is down in D.C.

MR. VAN LEEUWEN: He's always in D.C.

MR. ARGENIO: Somebody want to tell us what we're doing here?

MR. DONNELLY: Let me start. This is probably the oldest project that's hanging around this town hall building. The approval--

MR. VAN LEEUWEN: Really should be shut down. She's not laughing.

MR. DONNELLY: The approval was originally received in 1968 and the project is partly built and has been fully operable for quite some time. Conditional use approval was given in '68 and final site plan approval was granted from 1969 and that was an approval for 275 home sites. Some of the units are built already and as I

said, they have already been operable. Now, we had been here a number of times since and I say we although I'm new to the project I reviewed the minutes and I have the materials, there was some changes in the code and some of those changes brought this project as it was originally approved into question. That resulted in litigation and when the litigation resolved there was an agreement reached that the 275 units would be the cap on the project. You have a letter, Greg Shaw attached it to his letter to you from Phil Crotty. I will come to what the plan is, although we reached that agreement, there was no plan so what Mr. Crotty's letter said was we'd need to come back to the board and present a plan that showed not more than 275 units for your review. I'm taking that to mean not for conditional use approval or special use permit review or for site plan review but for examination by you. In 2000, when we came before you and I have read this from the minutes--

MR. ARGENIO: Let me interrupt you. What do you mean when you say you don't take that as you don't interpret that as for approval but you interpret that for as examination by us? Make that distinction for me please.

MR. DONNELLY: Two reasons, one, is Mr. Crotty's letter suggested that. Number two, from your minutes of your May, 2000 meeting the Chair's statement at that time was that I would suggest to you and to the town that you devise the plan, submit it to the building inspector for review and the town attorney and go from there and build it. My theory is that this is up to the building department and not for the planning board. Now, I'm not insisting upon that, just trying to give you the flavor of where things were then, I think clearly you should see the plan that was the intent, we should demonstrate to you that we have obtained other agency approvals that are necessary for the project to be built. We will need drainage approval and it will have to be approved by the town. We will need when we enlarge the sewer plant we will need an expanded SPDES permit and I think we should be required to show you a plan and those approvals before the building inspector is authorized to move forward. What I mean is, not part of the equation are two things, the formal approvals for conditional use or site plan as well as SEQRA because as old as this project is it's exempt from SEQRA under the regulations as a project that received its approval prior to the 19--

MR. ARGENIO: Dominic, in as short a statement as possible is it exempt from SEQRA or not?

MR. CORDISCO: SEQRA went into effect on November--

MR. ARGENIO: Too many words, stop. I'm kidding, I'm kidding. Can't everybody laugh a little bit? I'm kidding.

MR. CORDISCO: I get paid by the hour not by the word.

MR. ARGENIO: Tell the board about SEQRA, is it exempt from SEQRA or not?

MR. CORDISCO: SEQRA exempted actions that were approved prior to it taking affect it took affect on November 1 of 1978 and this project was approved as a conditional use for 275 home sites 6/19/69.

MR. ARGENIO: It was exempt from SEQRA because it was approved in '68-69 and it's been an ongoing operational mobile home site facility ever since then.

MR. CORDISCO: It's not lost, it's grandfathered status because it's been a mobile home facility ever since that time.

MR. ARGENIO: How many pads do you have there today?

MS. KEAN: Seventy-seven.

MR. ARGENIO: How many homes are in the site?

MS. KEAN: Seventy-seven.

MR. ARGENIO: You're proposing another 200 units there?

MS. KEAN: No.

MR. DONNELLY: No, we'll get to that in a moment.

MR. VAN LEEUWEN: Can I say something? I remember this very, very well, okay, and one of your cohorts was the attorney for the town at the time, okay, and they won the right in court, not on this planning board cause I sat here back in those days and so did Hank Scheible sit here in those days.

MR. ARGENIO: What?

MR. VAN LEEUWEN: Talk about the early in the late '60s and early '70s cause I remember.

MR. ARGENIO: Your point is they won the court case to have the 275 units.

MR. VAN LEEUWEN: Yes.

MR. CORDISCO: Yes, I believe.

MR. ARGENIO: I have a bit of a problem with where we're going but let's continue.

MR. DONNELLY: I'm going to turn the particulars over to Greg in a moment. So the things that I don't think are before you and I'm not dictating this to you I'm trying to show you what I think the record up to this date is, there's no SEQRA compliance required, our approval remains valid and there's no need for a public hearing or for formal approval in the nature of conditional use or site plan approval. What we do have to demonstrate to you is a plan that doesn't exceed 275 units and we're not proposing anything anywhere near that and we need to demonstrate to you that we need all of our other acquired agency approvals. I'm going to let me turn it over to him, I'm going to stand here and answer any questions you might have.

MR. CORDISCO: Mr. Chairman, before we get into the particulars of the plan and I just want because this is such a unique situation I do want the record to be clear, I agree in general with what Mr. Donnelly is saying. I think however there's some clarifications at least from my understanding based upon the review of the file and based on review of Mr. Crotty's letter is that there was a plan at one point in time there actually was a map that showed--

MR. ARGENIO: Got lost.

MR. CORDISCO: That I believe showed--

MR. ARGENIO: The dog ate the map.

MR. CORDISCO: -- 275 home sites on this map.

MR. VAN LEEUWEN: Only 55 were built because the package plant would not hold anymore.

MR. CORDISCO: That map is now lost, both the town's copy of that map and Mr. Kean's copy of the map.

MS. KEAN: Right.

MR. CORDISCO: So what Mr. Crotty was suggesting in his letter and the board has to decide whether or not this is the way to proceed was is that a map should be recreated and should be submitted basically for reapproval by this board and Mr. Crotty used the term nunc pro tunc which is basically now for then, in other words, re-acknowledging or reapproval as if it was 1969 what that map was nunc pro tunc. Because I believe and I agree with Mr. Donnelly as far as my opinion is concerned is that the record is clear, they did have an approval, the board itself, members of the board acknowledged that they did have an approval, it was a hard fought and hard won approval but it was an approval they have relied upon that approval, they have operated the park since that time.

MR. ARGENIO: Shouldn't have lost the map.

MR. CORDISCO: But the map was lost so this is the conundrum that we're in.

MR. ARGENIO: Two things very briefly they have to meet all the current storm water regulations and the like and the sewer plant, et cetera.

MR. DONNELLY: Not and the like.

MR. ARGENIO: You do have to.

MR. DONNELLY: Storm water but not zoning.

MR. ARGENIO: Okay, got that. The second thing?

MR. CORDISCO: Storm water and sewer they have to meet, there are no exemptions from that, there's no grandfathering from either of those. So whatever plan, whatever plan they come up with now has to meet storm water if the number is no longer 275 but is some number less than that because that's all they can fit on the site meeting storm water then that's it.

MR. VAN LEEUWEN: Don't forget since then we have had the new regulations on wetlands, all the stuff has been coming in over the years.

MR. ARGENIO: They have to meet the requirements.

MR. VAN LEEUWEN: Now we've got, someone's going to have to make a decision if we can, they said they are not going to put that many in but someone's going to have to say well, we can accept or not accept that.

MR. CORDISCO: Correct, wetlands has its own grandfathering but we don't need to hear that.

MR. ARGENIO: I'd like to hear from you, Mr. Shaw please.

MR. SHAW: Okay, we're going to have to view this in long term, in short term, okay, and I'd like to get into the long term first and then we'll back our way into the short term. The immediate goal I know the board's concerned about density, you were in 2001 and 2002 when I was here before this board and just to throw out some numbers to you as Mr. Donnelly said we had approval back in the late '60s for 276 units, in 2001 and 2002, we submitted a plan to this board reflecting two, a total of 233 units, that's down about 40 units, 43 units from the cap number, all right. I'm in the process and at that time there was a discussion as to whether all the home sites were buildable, maybe there was too much earth work, all right, and that we should go back and revisit maybe some of the roads and make some changes. We left this board in 2002, we haven't returned back since. I'm presently working on the total buildout plan, I can tell the board that we're not even looking at 233 units.

MR. ARGENIO: How many units about?

MR. SHAW: Approximately, 193.

MR. ARGENIO: Go ahead.

MR. SHAW: So we're down 43 initially, all right, from the 275 and now we're down another 40 from the 275 and I think in that number and that number is going to get massaged even more cause as I start bringing in the storm water management practices I'm not going to gain additional lots. I think the layout is nice, the board may have issue with respect to the density but I can't control that. So what we'd like to do is prepare a map indicating the 190 some units and submit it to this board either for acceptance or approval and as Mr. Donnelly said our position is for acceptance. Then

with that, I'm going to have to because we'd like to start construction I'm going to have to prepare a SWPPP for the entire buildout of the site, all right, we can't segment the storm water management aspect so it is going to have to be an NOI filed for the entire development for the site then we'd like to take 25 to 30 units which would be those number of units which would bring us up to the capacity of the sewage treatment plant and call that the next phase and take those 25 to 30 units, design the water and the sanitary sewer for them, send that out to the health department, get that approved by the health department, bring it back to the town and have the town issue building permits, okay, for those 25, 20, 30 units realizing full well we could not go passed that number cause we'd be exceeding the capacity of the sewage treatment plant until there was an expansion of the plant both in approval and of the physical nature. In other words, there has to be a plant in the ground that would handle more than the 10,000 gallons a day which is presently the permit would allow you to discharge. So that's why I am trying to bring in the big picture which is the total number of units, the SWPPP that goes along with it back to the immediate goal is fine. Now that we have that addressed, we'd like to start construction upon 25 to 30 up to the capacity of the sewage treatment plant. We realize we're going to need health department approval for the water and sewer, we'll submit that out to the health department and when we get that approval at that point it's just a building permit application.

MR. ARGENIO: Okay, I can't imagine nobody has any questions. If anybody has a question, ask it, I have a couple things.

MR. VAN LEEUWEN: That original plant was put in for 55 units and I understand there was no more allowed than 55 units.

MR. SHAW: It was not based on units, it was based on flow. You have a SPDES permits for 10,000 gallons a day, the unique situation here is because the Keans meters the water that the people were using they are using less. Because they are using less, they are able to have more home sites discharge into the plant that would normally occur.

MR. ARGENIO: Greg, let me say something, Neil lives across the street from this place, I live down the road

from this place.

MR. VAN LEEUWEN: I live around the corner from this place.

MR. ARGENIO: Your dad is a super nice guy.

MS. KEAN: Can I address this?

MR. ARGENIO: Your dad is a super nice guy. I'm sure you folks are nice as well, your husband who I have known for a few years different things in the industry and if I have to live near a manufactured home park in this town it's Brittany Terrace because the Keans do a nice job.

MR. VAN LEEUWEN: Always do.

MR. ARGENIO: They really do a nice job and they have for years and as I said, your dad, I don't know your mom but your dad's a super duper nice guy. However, I'm going to say this to you when we talk about the sewer treatment plant are we taking into consider the things in development that have happened in this town over the past X years, i.e. the lot directly across the street right there? I think Neil owned, sold and there's a well right there in the discharge area of that sewage treatment plant. The lot across the street from the plant Jason Babcock recently got approval on and he has a well on his property and I'm going to tell you that I'm not going to say every time because that would be an exaggeration but very often in the event of a heavy rain event typically like in the spring my phone rings and it's Mrs. Babcock because Mrs. Babcock thinks that I'm in charge of everything that goes on with property and planning in the town and you know what she says to me, it stinks down on the bottom of the hill and have you driven through there, go drive through there. And I have to drive through there and then I have to call her back and Greg, I will be very frank with you, it smells, it smells.

MR. VAN LEEUWEN: I've smelled it too.

MR. ARGENIO: Neil, am I exaggerating or not? You live closer to it than I do.

MR. SCHLESINGER: No, you're not exaggerating.

MR. ARGENIO: So I don't know why it's like that but I

can tell you it's like that and I can tell you it's a problem. From a conceptual point of view, Mr. Donnelly, counselor, I don't think I take and I'm only one member, there's four other people up here that have to speak and will have their own opinion, they don't have to speak but they'll have their own opinion and they'll cast a vote when there's something to vote on, I don't think I take exception to the things you said. I don't think I do. The one concept I can't get through my mind is that if the approval was in '67 and the current date was, I don't know, 2004, 3 and we're still talking about the buildout for Brittany Terrace being alive and well as your children roll in here in their wheelchairs, something's wrong with our code, if that's really what the law says, something's wrong with the law in the Town of New Windsor. But from a conceptual broad stroke, I don't think I have a problem with what you said. I can't speak for these guys.

MR. DONNELLY: I think we should have to demonstrate to you that the sewer plant and the SPDES permit that we have are adequate to handle the anticipated flow.

MR. ARGENIO: If you can take the calls from Mrs. Babcock in the future that would be a good start, how about that?

MR. DONNELLY: Greg lives closer.

MR. ARGENIO: I'll direct the calls to Balmville.

MR. SHAW: I'll give you my cell number.

MR. ARGENIO: I'm not complaining, she's a nice lady but, you know, this is one of the things.

MR. VAN LEEUWEN: It does stink periodically.

MR. ARGENIO: She's right, it smells.

MR. VAN LEEUWEN: That's something I think we ought to deal with before we go any further.

MR. DONNELLY: In the big picture there's going to be a new sewer plant designed.

MR. ARGENIO: But you did say 25 units prior to.

MS. KEAN: I can ease your fears here in all fairness to my dad he's definitely a super nice guy and the

sewer plant that's going is unfortunately it's designed to be an open air, the filter system does stink and that's how it's designed, we're in the process of procuring right now everything is happening we would have been today down in Westchester had it not been for the snow looking at the new system, it will be in place this summer to rectify the problem.

MR. ARGENIO: That's a great start.

MS. KEAN: That's why I'm standing here and Donny's standing here and my parents are not here because my father--

MR. VAN LEEUWEN: All those years especially in the summer months.

MS. KEAN: I understand your position, I am totally on board with your position and I read the minutes and one of your main concerns as I read through the minutes was the odor and I agree with you so--

MR. DONNELLY: For that to make sense we need to have more units to cover that investment in that new plant.

MS. KEAN: Yes, it's tremendously expensive. There's a new system going on line, it will be on line this summer and which will rectify the odor, there will be no odor within two feet.

MR. ARGENIO: As we go down this road.

MS. KEAN: I can assure you right now with the exception of the odor if you have a well right there there's no issue, the DEC comes and samples us, the county comes and samples us all the time so there's no issue, just so you can reassure Miss Babcock when she calls you.

MR. SCHEIBLE: Question. As you're going out with the new sewer plant and all that are we going to be overseeing the construction of this new sewer plant, I mean--

MS. KEAN: No, the DEC comes.

MR. CORDISCO: It's a DEC permit.

MR. EDSALL: It's a DEC permit, they have a design engineer but I'm sure that we'll get--

MR. SCHEIBLE: I'm just worried that because I've seen 40 years go by and ten years go by and times change and so do rules and regulations change over with those times.

MS. KEAN: My dad has spent so much time as an information gatherer and he spent so much time gathering information he goes on information overload that he doesn't want to miss anything. He can probably tell you specifications on hundreds of different sewer plant technologies.

MR. SCHEIBLE: Knowing your father, yes.

MR. ARGENIO: I don't want to beat this to death so you know part of the discussion moving forward is going to involve the sewage treatment plant business so look, the hour's getting late, I want to continue. What else, Greg, what do we need to talk about? What are you looking for from us tonight?

MR. SHAW: I'm going to continue on working on the overall plan. Again, I think it comes down to A, is the board going to accept this plan or are you going to require a new application, I think we have SEQRA behind us all, right, we'd like to get going on the next--

MR. ARGENIO: You say accept this plan, I would expect that this board would, I would expect that you would accept the comments from the board.

MR. SHAW: Absolutely.

MR. ARGENIO: You don't expect to give us the plan, say here's our plan, we're going to go build it.

MR. DONNELLY: No, even I wouldn't ask that.

MR. SHAW: No. So yes, we have that behind us, I think we have SEQRA behind us. We'd like to get going on the 25 to 30 during construction but what I'm hearing the board saying they want the sewage treatment plant in the ground before the next building permit gets issued.

MR. ARGENIO: I think that's what we're saying, you guys okay with that? I think that's what we're saying.

MR. SHAW: So when we come back and basically the sewage plant is in place, the overall plan is accepted

and the health department has approved the water and sewer for the next 25 to 30 building permits can be issued.

MR. VAN LEEUWEN: Since when did you become a lawyer?

MR. ARGENIO: He just put an awful out on the plate.

MR. SHAW: I just summarized what we agreed to.

MR. ARGENIO: I don't think we have agreed to anything, let me just say this, I'm going to look to my right, Neil and Henry Scheible, this conversation that we're having is there anything sticking out in this conversation that either one of you guys takes specific exception to?

MR. SCHLESINGER: I will just say one thing because I don't know whether I will have the opportunity to express my opinion on this in the future and I also, the attorney brought up a point that and I don't know how accurate this is, whether there would be a public hearing and I think you said there wouldn't be. And I don't know, I don't know but I will ditto exactly what everybody said about your family, your parents and you, I mean, absolutely wonderful people, I think mobile home parks have a certain unfair connotation about them, yours does not meet up to that unfair connotation, never been any problems or anything, it's been wonderful. As far as the sewer treatment, we have all said there's been odors before, Mr. Hines (phonetic) used to complain, Babcock complains about it all the time, I can turn around to you and say why wasn't it addressed earlier? Why do we have to wait until now when you want to do something in order to address it? That's water under the bridge but I just wanted to get it off my chest. With that being said, listen, you have the right to do whatever you want to do as far as code is concerned and nobody living near you has the right to prevent that, that's the constitution of our board, that's the way the rules and regulations go. If you could build an additional if my figures are right, Greg, 120 units?

MR. SHAW: Approximately, yes.

MR. SCHLESINGER: God bless you, I don't know whether there's any other studies that have to be made as far as that's concerned, as far as traffic or whatever else it may be, I'm just bringing these things up in the

event that I just don't have the opportunity to present this. But I think there are a little bit more issues than we're just bringing up right now, I also feel that as far as and I don't know the laws, I try to listen, I try to pay attention, it's hard to believe that something that's 50 years old is still in stone, once again, that's the way it is then that's the way it is. But I just think that this is, you know, although you said you're reducing it from 40 units an additional 40 units let's look at it the other way, you're going from 50 units to 50 units to 50 units, whether you're putting it in phases or not if I was commenting on that as a board member I have to take into consideration that eventually it will be the ultimate and that's the way that I would comment on that. That's all I have to say.

MR. ARGENIO: Danny or Henry?

MR. VAN LEEUWEN: I think what we have to attack first is the stench, I think that's the most important thing right now.

MR. DONNELLY: Well, we have agreed.

MS. KEAN: Done, it's in the works.

MR. DONNELLY: The plant will be in before the first building permit.

MR. VAN LEEUWEN: Not anything against you but we have been promised that before.

MS. KEAN: Not by me.

MR. ARGENIO: So they agree they ask for a building permit the new plant will be operational and accepted by the DEC. Henry, what else you got?

MR. SCHEIBLE: On the, go back to the original plans that seem to be in limbo somewhere lost, is that right?

MR. DONNELLY: That's correct.

MR. SCHEIBLE: There's no plans so that means the entire project would that be resurveyed showing all the present units and so forth?

MR. SHAW: It's already done, we have as-built plans of every unit that exists on the site, topo and utilities.

MR. SCHEIBLE: I know now it's easy, you just go out and measure them now.

MR. SHAW: Yes, it is a little easier.

MR. GALLAGHER: Nothing.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: I think otherwise we're going to treat you fair, we'll be fair.

MR. ARGENIO: The minutes should be clear, I think they are clear, the Planning Board's position on this we understand and recognize and I'm going to paraphrase a little bit the existence of your prior approval, we acknowledge it, based on advice of counsel we acknowledge that it predates SEQRA again based on advice of counsel. I cannot fathom that the approval never ever ever expires but that's what the attorney says.

MR. VAN LEEUWEN: They also have vested rights.

MR. DONNELLY: That's the basis of Mr. Crotty's letter.

MR. ARGENIO: Why don't you--

MR. VAN LEEUWEN: When there's vested rights, there's very little we can do.

MR. ARGENIO: -- get the plans ready. Are the units away from the road? I hope you're going to tell me yes to that.

MR. SHAW: Yes.

MR. VAN LEEUWEN: I have been up in there a couple times, it's a very well run place.

MR. SHAW: When I say a couple, maybe three and we're going to be relocating the entrance but there's three that are being close to the road, all the rest are going to be up on the hill.

MR. ARGENIO: It would be really good if to whatever extent we can you know if we can screen to whatever extent we can and try to keep them.

MR. SHAW: We're not going to have the back porches sitting on--

MR. ARGENIO: A buffer between the road and the units.

MR. SHAW: They are not going to have decks where you can waive to the people that go driving down Station Road.

MS. KEAN: You need to come and take a look.

MR. ARGENIO: I actually have. I went to your father's home and he showed me and he said there's no secret here, there's no secret but that would be a good thing because we can never put in your code good or bad taste, somebody buys the unit, I mean, they can paint it pink, purple.

MS. KEAN: Not by us.

MR. OLIN: We have a book this thick.

MR. CORDISCO: Mr. Chairman, just I know that they were looking for one additional clarification and that was how the board would proceed with reviewing and potentially approving a new map and I believe that it should be an approval I believe that my recommendation would be for the applicant or the excuse me Brittany Terrace--

MR. ARGENIO: I thought we cleared that up earlier.

MR. DONNELLY: I think I'm on the same wavelength. My hesitancy in calling it a site plan was that I suggested that we have to comply with current code, a nunc pro tunc approval is fine with me.

MR. VAN LEEUWEN: Have you talked to Dan Loeb if they've got a file on that because Danny Loeb was the attorney.

MR. ARGENIO: Danny Loeb? Jim Loeb.

MR. VAN LEEUWEN: Jim Loeb was the attorney and I believe he was the attorney for your dad in those days.

MS. KEAN: It was Gilmartin.

MR. VAN LEEUWEN: He's gone too but then Jimmy was the town attorney. No, we had Phil Crotty in those days.

MS. KEAN: I'd have to do my history.

MR. ARGENIO: Let's move.

MR. CORDISCO: The point is that they should submit an application, call it an application for a reapproval, submit the associated escrow fees so that there is a basis for the board's consultants to review the application, and funds available for that and we move on.

MR. DONNELLY: Site plan piece that you're referring to.

MR. CORDISCO: Just site plan because conditionally again--

MR. SHAW: I need some clarification cause when I walked into the meeting tonight I thought I was going to submit one drawing, call it a total buildout/grading plan, okay, indicating the road network, the number of units and the grading that go along with it. Now if we're calling it an amended approval do all the other drawings come into play?

MR. CORDISCO: It's a reapproval.

MR. SHAW: It's not amended, it's a re so still just talking about very basic engineering work at this point for this board.

MR. EDSALL: What I would hope to have on it at the minimum are all the layouts which I'm sure you have done but also with the grading some indication of road slopes.

MR. SHAW: That can be done.

MR. EDSALL: Basically to the level that you would normally see on preliminary to say it works.

MR. SHAW: That's not a problem.

MR. ARGENIO: Okay, thank you guys.

MR. SHAW: Thank you.

MR. DONNELLY: We promise to be back sooner than five years.

MR. EDSALL: Sooner the better on the SWPPP.

RAY'S TRANSPORTATION (10-18)

MR. ARGENIO: Ray's Transportation.

MR. ROSENWASSER: I have a question. At some point we were one on the agenda tonight, at some point this afternoon we were number one.

MR. ARGENIO: You had a sore throat and we were hoping that you would heal up by the end of the meeting as such.

MR. ROSENWASSER: As a matter of fact, I've been here so long I had to refill my antibiotic, it hasn't cleared up.

MR. ARGENIO: Counselor, I'm sorry about that. Typically, we address that but with the snow and everything I apologize. Danny Gallagher ran the meeting the last few times these guys were here, I abstained because I'm a minority shareholder of the property next door. Danny, I'm going to turn this over to you, please handle this. I'm going home. Good night.

(Whereupon, Mr. Argenio stepped down from the board for this proposal and Mr. Gallagher stepped in as acting chairman.)

MR. GALLAGHER: Next on the agenda is Ray's Transportation site plan amendment and the special permit proposed concrete tie crushing application. Application proposes additional use and crushing operation with the associated improvements. The plan was previously reviewed at the June 30, 2010 and October 30, 2010 meetings. As discussed at the June planning board meeting the application involves expansion of the currently approved storage operation to include a crushing operation. The last meeting status was Orange County Planning letter was sent I believe on 9/23 came back as local determination.

MS. JULIAN: Yes.

MR. GALLAGHER: We also sent referral to the City of Newburgh which we have got no response which we don't really need a response, do we?

MR. EDSALL: No.

MR. CORDISCO: No, just a question of whether or not the 30 days has elapsed and it has.

MR. GALLAGHER: DEC registration permit, what's the status on that?

MR. ROSENWASSER: Only because I can't speak.

MR. CORDISCO: Then things should go quickly.

MR. EDSALL: It was a location modification, I believe.

MR. ROSENWASSER: Yes.

MR. EDSALL: That's been accomplished as long as it's on record in the town file.

MR. GALLAGHER: I'm going to keep moving along. The railroad spur we have the status of approval for the CSX.

MR. VIEBROCK: As you see, it hasn't changed significantly, I met with CSX last Friday and I'm just finishing up some minor details, it's not moving either way it's been the way it's been.

MR. EDSALL: Mr. Chairman, I don't believe that the approval from CSX is a critical item before this board can take action. My only concern that if there's anything that CSX required impacted the site plan we'd know about it so as long as they're on board with the layout I believe that's adequate for our site plan purposes.

MR. VAN LEEUWEN: All those railroad companies they take forever and ever and ever.

MR. EDSALL: A lot longer than--

MR. CORDISCO: Just like this board.

MR. EDSALL: I wouldn't even consider that something you should add as a condition of approval but I just wanted to make sure that there was nothing that changed the layout so as long as you're okay.

MR. VIEBROCK: Everything's okay.

MR. ROSENWASSER: Configuration hasn't changed.

MR. EDSALL: Just ongoing for the approval but it's no problem with the layout.

MR. VIEBROCK: Right.

MR. GALLAGHER: SWPPP has been submitted?

MR. EDSALL: The SWPPP has been submitted, it's an industrial SWPPP so it doesn't require a formal writeoff from the town but relative to a review of the SWPPP as it impacts the site plan we have reviewed it and we have no problem.

MR. CORDISCO: DEC issues final approval for an industrial SWPPP.

MR. EDSALL: So that's completed as far as I'm concerned.

MR. VAN LEEUWEN: In other words, what you guys are telling us is all the approvals are in.

MR. EDSALL: Well, let's get to the last item traffic study's been done, there were some initial comments that Phil Grealy from John Collins Engineers and I had considered, we sent those comments back to the applicant's engineer, they have resubmitted, addressed all the comments. At this point, our only suggestion is that the site plan in its final form include a note imposing a restriction on the truck traffic which was something they agreed to and is the basis of their traffic study so I don't anticipate there's any objection.

MR. ROSENWASSER: None.

MR. EDSALL: We'd just have to get that note and with that note added, I believe the traffic issue is complete and the records that we wanted are now on file with the planning board as far as the study.

MR. GALLAGHER: So we need to do lead agency and SEQRA.

MR. CORDISCO: On lead agency, the board had previously circulated for lead agency for the prior site plan approval and this application that's before the board doesn't involve any new agencies that weren't involved before so my recommendation will be that we do not need to re-circulate to re-establish lead agency at this time we'll need the complete SEQRA. But that leads us

to the next item regarding the special use permit so because this is use that they are proposing now is a special use permit it triggers a mandatory public hearing, that's really the only action that the board could take the scheduling the mandatory public hearing.

MR. GALLAGHER: So we need to do SEQRA before that.

MR. CORDISCO: No SEQRA after the public hearing.

MR. ROSENWASSER: We would ask the board to schedule it as early as possible.

MR. CORDISCO: Correct and I think it's appropriate at this time.

MR. EDSALL: The reason why we didn't suggest that the issue of authorizing the public hearing occur previous to this is we effectively we have wanted all the answers in place, we wanted all the information available, have everything resolved and it's my opinion at this point that every issue that we have raised, every circulation that needed to be done is complete so I would suggest that the mandatory public hearing be scheduled and continue moving forward.

MR. CORDISCO: Yes.

MR. GALLAGHER: Okay, we have to have it so I'd like a motion.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: For the public hearing.

MR. VAN LEEUWEN: As soon as possible.

MR. SCHEIBLE: Second it.

MR. GALLAGHER: Motion made and seconded for the public hearing.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE

MR. GALLAGHER: Anything else we need to do?

MR. EDSALL: That's all you can do.

MR. ROSENWASSER: So you'll set a date and let us know?

MS. JULIAN: We'll call you and let you know.

MR. VAN LEEUWEN: As soon as possible.

MR. ROSENWASSER: Thank you.

MR. GALLAGHER: All right, guys, thank you. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer